

# EXHIBIT A



**EisnerAmper LLP**  
Two Logan Square, Suite 1101  
100 North 18<sup>th</sup> Street  
Philadelphia, PA 19103  
T: 215.881.8800  
F: 215.881.8801

## **Richard J. Gering Ph.D., CLP**

[www.eisneramper.com](http://www.eisneramper.com)

Principal

[richard.gering@eisneramper.com](mailto:richard.gering@eisneramper.com)

215.881.8828

### **EDUCATION/LICENSES:**

- Ph.D., M.A. in Economics, University of Maryland, Concentration: Public Finance, Industrial Organization
- B. Commerce, Honors Economics, University of Natal Durban, South Africa
- Certified Licensing Professional (CLP) Licensing Executives Society (USA and Canada), Inc.

### **PROFESSIONAL EXPERIENCE:**

**EisnerAmper LLP** – Forensic Accounting & Litigation Services, Principal, (2012 - )

Provides consulting and expert witness assistance including economic and statistical analysis related to commercial disputes. Assists law firms and corporate clients related to the calculation of damages, econometric model building and forecasting, market definition and profitability analysis. Experience includes antitrust, patent infringement, royalty rate calculations, breach of contract and lost profits disputes. Economic consulting includes model building and decision rule analysis on market, profitability and product pricing.

**ParenteBeard LLC** - Forensic Accounting & Litigation Services, Partner, (2002-2012)

**Villanova University School of Law** - Adjunct Lecturer: Economic Damages, (2000 - )

**PricewaterhouseCoopers LLP** - Financial Advisory Services, Director, (1992-2002)

**Meridian Research, Inc.** - Silver Spring, Maryland, Staff Economist (1986-1991)

**University of Maryland** - College Park, Maryland, Teaching Assistant (1984-1989)

**Israel Discount Bank** - Tel Aviv, Israel, Economist, International Division (1982-1983)

### **PROFESSIONAL AFFILIATIONS:**

- American Economic Association
- Licensing Executives Society
- Intellectual Property Owners Association



**LECTURES/PRESENTATIONS:**

"Recent Developments in Patent Damages," Pennsylvania Bar Institute (July 12, 2012)

"Valuing IP in the Current High Risk Environment, Bio IP Counsels Committee Conference (Boston, MA October 2010, Panelist)

"IP Damages," at AICPA National Conferences on Fraud and Litigation Services (Orlando, FL, TX, October 2009) (Co-Presenter)

"Trends in Patent Law and What is Next?" (Co-Presenter), AICPA FVS Section, Webinar (October 2008)

"Lost Profit Damages: The Effects of Non-Infringing Alternatives (Substitutes and Complements), Price Erosion and Convoys Sales Analysis," Law Seminars International (October 30 & 31, 2006)

"Models for Valuation of Patents," at AIPLA 29<sup>th</sup> Mid-Winter Institute (La Quinta, CA, February 1-4, 2006)

"Intellectual Property News & Current Events," at AICPA National Conferences on Fraud and Litigation Services (Dallas, TX, September 2005) (Co-Presenter)

"Price Erosion and the Law of Demand in Patent Damages," Philadelphia Intellectual Property Law Association (January 20, 2005)

"Patent Infringement Damages – An Economist's Viewpoint," with Jeffrey H. Kinrich, CPA/ABV, at AICPA Conferences on Fraud and Litigation Services (Phoenix, AZ, September 2004)

"Antitrust Economics for Beginners" at Pennsylvania Bar Institute's Fundamentals of Antitrust Law (Pittsburgh Program; June 2004)

"Capturing IP Market Opportunities within the Bio/Pharmaceutical Industry to Create a Sustainable Competitive Advantage" at Competitive Business Intelligence's 2<sup>nd</sup> Annual Competitive Intelligence for Bio/Pharmaceutical Companies. (January 2004)

Panel Discussant "Positioning Company Assets for IP Structured Finance Transactions" at World Research Group's 2<sup>nd</sup> Annual Advancing IP Structured Finance. (January 2004)

"Litigation Strategies & Patent Damages" Philadelphia Intellectual Property Law Association (October 10, 2002)

"The Business and Economic Impact on Genomics," Strategic Research Institute's Pharma & Biotech Intellectual Property & Technology Transfer Summit (July 19, 2002)



**LECTURES/PRESENTATIONS (CONT'D):**

"Branding Programs to Maximize Return from Corporate Trademarks," The DuPont 2000 CLE Intellectual Property Law Seminar (October 31, 2000)

Panel Discussant in "The Forensic Economist for the Defense," Southern Economic Association (November 1998)

"The Role of an Economist in Antitrust Litigation," Instructor, First International PricewaterhouseCoopers FAS Training Program (1998)

"Advanced Issues in Intellectual Property Litigation," Instructor, First International PricewaterhouseCoopers FAS Training Program (1998)

Panel Discussant in "Measuring Commercial Damages via Lost Profits or Loss of Business Value," Southern Economic Association (November 1996)

Guest Lecturer at The Henry George School 1991/1992, "The Political Economy of South Africa"

Seminar Series to the South African Society for Engineers (Durban) 1981, "Economics for Engineers"

**PUBLICATIONS:**

"Quantifying Reasonable Royalties: The Entire Market Value Rule," in *Intellectual Property Valuation, Exploitation, and Infringement Damages: 2010 Cumulative Supplement* by Russell L. Parr and Gordon V. Smith (John Wiley & Sons)

"Understand the economics behind licensing deals," *Managing Intellectual Property, IP Focus, Life Sciences*, 8<sup>th</sup> Edition, 2010, [www.managingip.com](http://www.managingip.com) (September 2010)

"How Reasonable Is Your Royalty?" with Glenn S. Newman, CPA and Jeffrey N. Press, CPA, *Journal of Accountancy* (September 2008)

"Price Erosion in Patent Damages," with Gregory J. Urbanchuk, CPA, *The Barrister* (London UK) (June 2005)

"Damages Aren't Always Patently Obvious," with Glenn Newman, CPA, *Journal of Accountancy* (November 2004)

"A Daubert Primer" *The Pennsylvania Law Weekly* (August 19, 2002)



**PUBLICATIONS (CONT'D):**

"Lost-Profit Calculations," in *Intellectual Property Infringement Damages: A Litigation Support Handbook* by Russell L. Parr (John Wiley & Sons, Second Edition 1999)

"Maximizing the Value of your Intellectual Assets," at IBC's World Congress on Enzyme Technologies. (March 1999)

"Maximizing the Value of your Intellectual Property: A Biotech Case Study," Conference on The Valuation of Intangible Assets In Global Operations at Rutgers University (February 1999)

"Safeguarding Billing Practices and Systems: Top Ten Ways to Invalidate a Sample," *The Critical Edge* (Winter 1998)



## Richard J. Gering, Ph.D.

### Federal Rule 26 Disclosures - Testimony

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<u>Date</u>	<u>Jurisdiction</u>	<u>Type</u>	<u>Matter</u>
2013	United States District Court Eastern District of Texas	Trial	KKG, LLC v. Reynolds Consumer Products Inc., Wal-Mart Stores, Inc., and Amazon.Com, Inc., <i>et al.</i> (2:11-cv-00012-JRG)
2013	United States District Court District of Delaware	Trial	Synthes USA, LLC; Synthes USA Products, LLC and Synthes USA Sales, LLC v. Globus Medical, Inc. (11-652-LPS)
2013	United States District Court Southern District of New York	Deposition	Medien Patent Verwaltung AG v. Deluxe Entertainment Services Group, Inc. (1:10-cv-04119-CM-GWG)
2013	United States District Court District of Massachusetts Central Division	Deposition	Abbott Biotechnology Ltd. and AbbVie, Inc. v. Janssen Biotech, Inc. (09-40089-FDS)
2013	United States District Court Eastern District of Texas Marshall Division	Deposition	KKG, LLC v. Reynolds Consumer Products Inc., Wal-Mart Stores, Inc., and Amazon.Com, Inc., <i>et al.</i> (2:11-cv-00012-JRG)
2013	United States District Court Southern District of Michigan Southern Division	Deposition	Nellcor Puritan Bennett LLC v. CAS Medical Systems, Inc. (2:11-cv-15697)
2013	United States District Court District of Delaware	Deposition	Endo Pharmaceuticals, Inc. v. Mylan Pharmaceuticals Inc. and Mylan Inc. (11-cv-00717-JEI-KW)



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2013	United States District Court District of Delaware	Trial	Cephalon, Inc. and Cima Labs, Inc. v. Mylan Pharmaceuticals Inc. and Mylan Inc. (1:11-cv-0164-SLR-MPT)
2013	United States District Court District of Delaware	Deposition	Synthes USA, LLC; Synthes USA Products, LLC and Synthes USA Sales, LLC v. Globus Medical, Inc. (11-652-LPS)
2013	United States District Court District of Delaware	Deposition	Cephalon, Inc. and Cima Labs, Inc. v. Mylan Pharmaceuticals Inc. and Mylan Inc. (1:11-cv-0164-SLR-MPT)
2012	United States District Court Western District of Kentucky	Deposition	SCA Hygiene Products, Aktiebolag and SCA Personal Care, Inc. v. First Quality Baby Products, First Quality Hygienic, Inc, First Quality Products, Inc. and First Quality Retail Services, LLC (1:10-cv-122-M)
2012	United States District Court District of Delaware	Trial	Pfizer Inc., Pharmacia & Upjohn Company, Pharmacia & Upjohn Company, LLC, Sugan, Inc., C.P. Pharmaceuticals International C.V., Pfizer Pharmaceuticals LLC, and PF Prism C.V. v. Mylan Pharmaceuticals Inc. (C.A. 10-528-GMS)
2012	United States District Court Southern District of New York	Deposition	Luitpold Pharmaceuticals, Inc. v Ed. Geistlich Sohne Fur Chemische Industrie, and Osteomedical LTD (11-CV-0681(KBF))
2012	United States District Court Middle District of Tennessee	Deposition	Synthes US Sales, LLC v. Gregory W. Taylor and Morgangray Medical LLC (CA3: 10-1102)



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2012	United States District Court District of Delaware	Deposition	Pfizer Inc., Pharmacia & Upjohn Company, Pharmacia & Upjohn Company, LLC, Sugen, Inc., C.P. Pharmaceuticals International C.V., Pfizer Pharmaceuticals LLC, and PF Prism C.V. v. Mylan Pharmaceuticals Inc. (C.A. 10-528-GMS)
2012	United States District Court Western District of Washington At Seattle	Deposition	Cascade Yarns, Inc. v. Knitting Fever, Inc. (10-CV-00861)
2012	United States District Court Eastern District of Virginia Alexandria Division	Deposition	Reporting Technologies, Inc. v. Emma, Inc. (11-CV-01203)
2012	United States District Court Eastern District of Virginia Alexandria Division	Deposition	Bear Creek Technologies, Inc. v. Verizon Services Corp., Verizon Business Network Services Inc., MCI Communications Services, Inc., and Verizon Communications Inc. (11-CV-880)
2012	United States District Court Southern District of New York	Deposition	Impax Laboratories, Inc. v. Shire LLC and Teva Pharmaceuticals USA, Inc. (10-CV-08386)
2012	United States District Court District of Delaware	Trial	Sunovion Pharmaceuticals Inc. v. Dey Pharma, L.P., Dey, Inc. Mylan, Inc. and Mylan Pharmaceuticals Inc. (06-113 (LPS))





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2011	United States District Court Eastern District of Pennsylvania	Deposition	CSB-System International, Inc. v. SAP America, Inc. (10-CV-2156)
2011	United States District Court District of Utah Center Division	Deposition	Brigham Young University and Dr. Daniel L. Simmons v. Pfizer, Inc., G.D.Searle & Company, G.D. Searle LLC, Monsanto Company and Pharmacia Corporation (06-CV-00890)
2011	United States District Court District of New Jersey	Deposition	Bed Bath & Beyond, Inc. v. Sears Brands, LLC (08-CV-5839-SDW-MCA)
2011	United States District Court Middle District of North Carolina	Deposition	Static Control Components, Inc., and Innovative Cartridge Technologies, Inc. v. Future Graphics, LLC (08-CV-00109)
2011	United States District Court District of Massachusetts	Deposition	Abbott GMBH & Co., KG, Abbott Bioresearch Center, Inc., and Abbott Biotechnology Ltd. V. Centocor Ortho Biotech, Inc. and Centocor Biologics, LLC (09-CV-11340 (FDS))
2011	United States District Court District of Connecticut	Deposition	Tyco Healthcare Group LP and United States Surgical Corporation v. Ethicon Endo-Surgery, Inc. (10-CV-0060)
2011	United States District Court District of Delaware	Deposition	Sunovion Pharmaceuticals Inc. v. Dey Pharma, L.P., Dey, Inc., Mylan, Inc. and Mylan Pharmaceuticals Inc. (06-113 (LPS))



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2010	United States District Court Northern District of Illinois Eastern Division	Deposition	Viskase Companies, Inc. v. World Pac International AG, and World Pac International USA, and Sun Products Marketing Und Manufacturing AG (09-CV-5022)
2010	American Arbitration Association	Arbitration	Centocor Ortho Biotech Inc. v. Schering-Plough Corporation, and Schering-Plough (Ireland) Company (50 122 T 00273 09)
2010	United States District Court Northern District of Ohio Eastern Division	Trial	Bendix Commercial Vehicle Systems LLC, Knorr-Bremse Systeme Fur Nutzfahrzeuge Gmbh, and Bendix Spicer Foundation Brake LLC v. Haldex Brake Products Corporation (09-CV-176)
2010	United States District Court Middle District of Florida Tampa Division	Arbitration	Pegasus Imaging Corporation v. Allscripts Healthcare Solutions, Inc. and Allscripts, LLC (08-CV-1770)
2010	American Arbitration Association	Deposition	Centocor Ortho Biotech Inc. v. Schering-Plough Corporation, and Schering-Plough (Ireland) Company (50 122 T 00273 09)
2010	United States District Court Northern District of Ohio Eastern Division	Deposition	Bendix Commercial Vehicle Systems LLC, Knorr-Bremse Systeme Fur Nutzfahrzeuge Gmbh, and Bendix Spicer Foundation Brake LLC v. Haldex Brake Products Corporation (09-CV-176)



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2010	United States District Court Northern District of Texas Dallas Division	Deposition	Gillani Consulting, Inc. v. Ferguson Enterprises, Inc. (07-CV-1488)
2010	United States District Court Middle District of Florida Tampa Division	Deposition	Pegasus Imaging Corporation v. Allscripts Healthcare Solutions, Inc. and Allscripts, LLC (08-CV-1770)
2009	United States District Court Eastern District of Virginia Richmond Division	Trial	PBM Products, LLC v. Mead Johnson Nutrition Company and Mead Johnson & Company v. PBM Products, LLC and Paul Manning (09-CV-269)
2009	United States District Court Eastern District of Virginia Richmond Division	Deposition	PBM Products, LLC v. Mead Johnson Nutrition Company and Mead Johnson & Company v. PBM Products, LLC and Paul Manning (09-CV-269)
2009	United States District Court Eastern District of Virginia Norfolk Division	Deposition	ShopNTown, LLC v. Landmark Media Enterprises, LLC (08-CV-564)
2009	In the District Court of Harris County, Texas 190 <sup>th</sup> Judicial District	Arbitration	CSI International, Inc. and Sumatec International, Ltd. v. TYCO Valves and Controls, L.P. and TYCO Flow Control, Inc.



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2009	United States District Court Eastern District of Texas Tyler Division	Deposition	SFA Systems, LLC v. Infor Global Solutions, Inc. (07-CV-00067)
2009	United States District Court Eastern District of Texas Marshall Division	Trial	Centocor, Inc. and New York University v. Abbott Laboratories, Abbott Bioresearch Center, Inc., and Abbott Biotechnology Ltd (07-CV-139)
2009	United States District Court Eastern District of Texas Marshall Division	Deposition	Centocor, Inc. and New York University v. Abbott Laboratories, Abbott Bioresearch Center, Inc., and Abbott Biotechnology Ltd (07-CV-139)
2009	In the District Court Collin County, Texas 401 <sup>st</sup> Judicial District	Deposition	Wayne A. Weimer and Constance S. Weiner v. Erie Management Group, LLC, S.P., Black Family Holdings, L.P. and Samuel P. Black, III (401-0329707)
2009	United States District Court District of Delaware	Deposition	Lannett Company Inc. v. KV Pharmaceutical Company, Ther-Rx Corp., and DrugTech Corp. (08-CV-338)
2009	United States District Court Eastern District of Texas – Lufkin Division	Trial	Hearing Components, Inc. v. Shure, Inc. (07-CV-104)